

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Todd Parfitt, Director

April 2, 2015

Mr. Benjamin J. Davis Ballard Petroleum Holdings, LLC 845 12th Street West Billings, MT 59102

CERTIFIED MAIL

RE: Notice of Violation, Docket #5564-15

Dear Mr. Davis:

Enclosed you will find a Notice of Violation (NOV) issued to Ballard Petroleum Holdings, LLC by the Department of Environmental Quality, Air Quality Division, for failure to permit, control emissions, conduct monitoring, and report emissions at the Gaither Draw Unit Central Tank Battery facility located in Campbell County, Wyoming. By failing to permit, control emissions, conduct monitoring, and report emissions, Ballard Petroleum Holdings, LLC has not followed the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance and is in direct violation of the construction permitting requirements of Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations.

As the Department and this Division consider the failure to comply with air quality permitting requirements to be a serious matter, I am considering recommending the Department refer these violations to the State Attorney General's office requesting a suit be filed in District Court to recover appropriate penalties. If you would like to discuss settlement of this Notice of Violation prior to referral to the Attorney General's office, please contact Ms. Ann Shed, Air Quality Compliance Program Principal, at 307-777-8601 no later than ten (10) days after receipt of this letter.

Should you have any questions or comments regarding this matter, please feel free to contact me or Ms. Ann Shed.

Sincerely,

Steven A. Dietrich Administrator

Air Quality Division

cc: Fred DiLella Ann Shed Landon Brown Elizabeth Lyon Tanner Shatto



BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO BALLARD PETROLEUM HOLDINGS, LLC) DOCKET NO. 5564-15
BENJAMIN J. DAVIS)
845 12th STREET WEST)
BILLINGS, MT 59102)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1. The Department of Environmental Quality, Air Quality Division, has found Ballard Petroleum Holdings, LLC to be in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations (WAQSR) in the construction and operation of the Gaither Draw Unit Central Tank Battery facility located in Campbell County, Wyoming.
- 2. W.S. 35-11-801(a) states, "In granting permits, the Director may impose such conditions as may be necessary to accomplish the purpose of this act which are not inconsistent with the existing rules, regulations and standards."
- 3. Chapter 6, Section 2 of the WAQSR prescribes the applicability and procedures for issuing permits to sources under Wyoming's construction and modification permitting program.
- 4. Chapter 6, Section 2(a)(i) of the WAQSR states "Any person who plans to construct any new facility or source, modify any existing facility or source, or to engage in the use of which may cause the issuance of or an increase in the issuance of air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming, Department of Environmental Quality before any actual work is begun on the facility."
- 5. The Air Quality Division issued the Chapter 6, Section 2 permitting guidance for Oil and Gas Production Facilities in June 1997 with revisions in November 1998, January 2000, August 2001, August 2007, March 2010 and September 2013. This guidance was developed to familiarize oil and gas production facilities with the Wyoming air quality regulations and to provide guidance to these facilities on what the Air Quality Division would accept as meeting the intent of Wyoming's regulatory requirement to obtain a construction permit prior to the construction or operation of new air emission sources (Chapter 6, Section 2(a)(i) of the WAQSR). Companies may follow the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance, or must, prior to construction of a new air emission source, obtain a Chapter 6, Section 2 permit. A permit application must be filed within 90 days after the first date of production. In addition the Chapter 6, Section 2 guidance requires a continuous pilot monitoring system for emissions monitoring and emissions reporting.
- 6. On November 18, 2014, the Air Quality Division received an application from Ballard Petroleum Holdings, LLC for the Gaither Draw Unit Central Tank Battery facility. It was noted that the facility was modified June 30, 2008. In accordance with the Oil and Gas Production Facilities Permitting Guidance, Ballard Petroleum Holdings, LLC should have submitted a permit application by September 28, 2008. The permit application was submitted approximately six years, one month and three weeks late. By failing to permit the Gaither Draw Unit Central Tank Battery facility, Ballard Petroleum Holdings, LLC has not followed the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance and is in direct violation of the construction permitting requirements of Chapter 6, Section 2(a)(i) of the WAQSR.
- 7. In accordance with the Oil and Gas Production Facilities Permitting Guidance, within 60-days of the first date of production, flashing emissions containing greater than or equal to 10 TPY of VOCs shall be controlled by at least 98%. Tank emissions at this facility were calculated to be 32.3 TPY of VOC using a declined production rate of 202.2 BPD. Actual VOC emissions in 2008, 2009, 2010, 2011, 2012, 2013 and 2014 were 21.6 tons, 23.6 tons, 18.9 tons, 49.2 tons, 48.0 tons, 50.3 tons and 31.3 tons, respectively. Therefore, major source and PSD levels for VOCs were not exceeded prior to control installation.

- 8. Tank emissions should have been controlled by August 29, 2008. The tank emissions at the facility were not controlled until August 24, 2014 which is almost six years late; therefore the emissions control, monitoring and reporting requirements under the Oil and Gas Production Facilities Permitting Guidance were also not met. By failing to control emissions, conduct monitoring, and report emissions as required, Ballard Petroleum Holdings, LLC has not followed the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance and is in direct violation of the construction permitting requirements of Chapter 6, Section 2(a)(i) of the WAQSR.
- 9. Said violations consist of the failure to permit, control emissions, conduct monitoring, and report emissions at the Gaither Draw Unit Central Tank Battery facility in violation of W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the WAQSR.
- 10. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.
- 11. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

DATED this _____ day of _______, 2015.

Steven A. Dietrich Administrator

Air Quality Division

Todd Parfitt

Director

Department of Environmental Quality

Please direct all inquiries to Steven A. Dietrich, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)